IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5909 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JAGDISHBHAI CHIMANBHAI VALAND

Versus

DIST SUPDT OF POLICE

Appearance:

MR SAURABH J MEHTA for Petitioner

MR SAMIR DAVE for MR SP HASURKAR for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/09/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Challenge has been made by the petitioner to the order annexure `A' dated 25th November, 1985 of the District Police Officer, Vadodara (Rural), Vadodara,

under which the petitioner was discharged from the services. The said discharge order of the petitioner as what it is alleged, casts a stigma.

3. The facts of the case are that the petitioner was selected for the post of Constable and he resumed his duties on 28th March, 1985. Thereafter, the petitioner was sent for training at Police Training School, Baroda. He remained absent from training without making an application what to say without sanctioning thereof. As the petitioner remained absent without any application whatsoever, the respondents passed this order of his discharge from the services. The petitioner stated in para-4 of the special civil application that he left the training course suddenly because he felt ill. He was admitted in Sayaji Hospital, Baroda. Thereafter, he was shifted to a private Hospital at Baroda. It is further stated that after his recovery, he reported to the in-charge of the Police Training School along with the medical certificate for his illness but he was not permitted to join the training.

4. Though these averments have been made but the petitioner has not produced any material whatsoever in support thereof. If the petitioner had been admitted to the hospitals then he could have produced the record from the hospitals both of Sayaji Hospital, Baroda as well as the private hospital. Even the petitioner has not given the name of the private hospital in which he was admitted. Leaving apart all these things, he has not produced any other material to show that he really fell ill and his illness was to the extent where his absence from duty was justified. Though it is a case where the petitioner was only a probationer and a trainee and where he behaved in this manner rightly the respondents have discharged him from the services. Police services are disciplined services where much more discipline is expected from an employee and here where at the initial stage of the services, the petitioner exhibited himself as an indisciplined person, rightly he has been discharged from the services.

5. The petition fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

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